

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

John Madden,	)	C/A No. 1:20-cv-03347-SAL
	)	
Plaintiff,	)	
	)	
v.	)	<b>OPINION &amp; ORDER</b>
	)	
Kilolo Kijakazi, Acting Commissioner of	)	
Social Security Administration,	)	
	)	
Defendant.	)	
_____	)	

Plaintiff John Madden (“Plaintiff”) brought this action pursuant to 42 U.S.C. § 405(g) and § 1383(c)(3) for judicial review of the final decision of the Commissioner of Social Security (“Commissioner”), which denied his claim for Disability Insurance Benefits (“DIB”). [ECF No. 1.] In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule (D.S.C.) 73.02 (B)(2)(a), this matter was referred to United States Magistrate Shiva V. Hodges for pre-trial handling. The Magistrate Judge issued a Report and Recommendation (“Report”) on July 29, 2021, recommending that the court reverse the decision of the Commissioner under sentence four of 42 U.S.C. § 405(g) and remand for further administrative proceedings. [ECF No. 18.] Attached to the Report was a Notice of Right to File Objections. *Id.* at p.57. On August 11, 2021, Commissioner filed a notice informing the court that she does not intend to file objections. [ECF No. 19.]

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to,

and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, and incorporates the Report by reference herein. Accordingly, the Commissioner’s decision is **REVERSED**, and the court **REMANDS** this matter to the Commissioner for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

**IT IS SO ORDERED.**

/s/ Sherri A. Lydon  
United States District Judge

August 12, 2021  
Florence, South Carolina